IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.26382 of 2008
MEERA DEVI WIFE OF SITARAM MANDAL
RESIDENT OF VILLAGE DUMARIYA,POLICE STATION SUPAUL,DISTRICT SUPAUL.
Versus
STATE OF BIHAR
With
Cr.Misc. No.30500 of 2008
SURENDRA MANDAL SON OF SITARAM MANDAL
RESIDENT OF VILLAGE DUMARIYA,POLICE STATION SUPAUL,DISTRICT SUPAUL
Versus
STATE OF BIHAR

3/ 12.11.2008 Since both the above applications arise out of one and the same police case, they have been heard together and are being disposed of by this common order.

The petitioners are accused of a case which has been registered for offences under Sections 328 and 304/34 of the Indian Penal Code but this case comes under the purview of Section 304(B) of the Indian Penal code as the death was within seven years of marriage. The allegation is that the informant's daughter Lalita Devi, who was married with Surendra Mandal (petitioner of Cr.Misc.No.30500 of 2008), was subjected to torture in connection with demand of Rs.5,000/- by way of additional dowry and subsequently she was done to death.

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Submission is that in course of investigation the witnesses have stated that the husband of the deceased at not present in his house at the time of occurrence as he had gone out of village two days prior of the occurrence. The witnesses have further stated that the deceased consumed poison herself and died.

Petitioner Meera Devi (Cr.misc.no. 26382 of 2008) is the mother-in-law of the deceased and she is in jail custody since 3.6.2008. Considering the fact

that she is a lady, I am inclined to grant her bail. Accordingly, let petitioner Meera Devi be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sri K.Ram, Judicial Magistrate, Supaul in Supaul P.S.Case No. 77 of 2005 (G.R.No.409 of 2005).

So far as petitioner Surendra Mandal (Cr.Misc.No.30500 of 2008) is concerned, he is the husband of the deceased and his case cannot be equated with others particularly in cases of this nature. Accordingly, I am not inclined to grant bail to this petitioner. His prayer for bail is rejected.

Tahir/- **(Shyam Kishore Sharma, J.)**

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